

**Remarks**

Favorable reconsideration of this application, in view of the above amendments and in light of the following remarks and discussion, is respectfully requested.

Applicants respectfully request entry of this response, as the response places the application in clear condition for allowance, or alternatively places the claims in better form for appeal. Specifically, Applicants have amended the independent claims to overcome the rejection.

Upon entry of this response, Claims 1-17 are currently pending; independent Claims 1, 3, 7, 9, 13, and 14 having been amended. Applicants respectfully assert that support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and that therefore no new matter has been added.

In the outstanding Office Action Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,137,468 to Martinez et al. (Martinez) in view of U.S. Patent No. 6,630,922 to Fishkin et al. (Fishkin). Applicants respectfully assert that the amendments to the claims have overcome the rejection for the following reasons.

The present invention is directed to information processing apparatuses, information processing methods, and media for storing a program which causes an information processing apparatus to execute a processing. Independent Claims 1 and 3 recite means for setting a first mode in which all images configured to be displayed on a display screen are to be rotated, a second mode in which a particular image is to be rotated, and a third mode in which none of the images are to be rotated. Means are used for selecting the image when the second mode is set. Displaying direction control means are used for displaying the images on the display screen, and for controlling a direction of display of the particular image by rotating the particular image according to a rotation of the display screen. Independent Claims 7 and 9 recite a mode setting step of setting a first mode in which all images are to be rotated, a

second mode in which a particular image is to be rotated, and a third mode in which none of the images are to be rotated. A selection processing step includes selecting the particular image when the second mode is set. A displaying direction control processing step includes controlling a direction of display of the particular image by rotating the particular image according to a rotation of the display screen. Independent Claims 13 and 14 recite a mode setting step of setting a first mode in which all images are to be rotated, a second mode in which a particular image is to be rotated, and a third mode in which none of the images are to be rotated. A selection processing step includes selecting the particular image when the second mode is set. A displaying direction control processing step includes controlling a direction of display of the selected image by rotating the selected image according to a rotation of the display screen.

Regarding the rejection of independent Claims 1 and 3, Martinez is directed to a method and apparatus for altering a display in response to changes in attitude relative to a plane. As shown in Figures 5A-5C, for example, of Martinez, a laptop computer 300 contains windows 500 and 502 and icons 504-508. When the laptop 300 has been rotated 90°, display 301 is now in a portrait mode (i.e., each of windows 500 and 502, as well as icons 504-508, has been rotated 90°). When the laptop 300 has been rotated 90° in the other direction, the display 301 presents windows 500 and 502 and icons 504-508 in a portrait mode.<sup>1</sup> As shown in Figures 6A-6C, for example, of Martinez, an object 602 in a window 600 remains level even though the laptop computer 300 has been rotated and has changed orientation.<sup>2</sup>

Applicants respectfully assert that Martinez does not teach or suggest, however, the claimed features of means for setting a first mode in which all images are to be rotated, a second mode in which a particular image is to be rotated, and a third mode in which none of

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<sup>1</sup> Column 4, lines 50-58, of Martinez.

<sup>2</sup> From Column 4, line 59 to Column 5, line 6, of Martinez.

the images are to be rotated, means for selecting the image when the second mode is set, and means for controlling a direction of display of the particular image by rotating the particular image, as recited in independent Claims 1 and 3. Specifically, Applicants respectfully assert that Martinez does not show or state setting such first, second, and third modes, and does not show or state selecting a particular image to be rotated in the second mode.

In particular, independent Claim 1 recites “means for setting a first mode in which all of a plurality of separate images configured to be displayed on the display screen are to be rotated, a second mode in which a selected image of the plurality of separate images is to be rotated, and a third mode in which none of the plurality of separate images are to be rotated . . . [,] means for selecting the selected image when the second mode is set . . . and displaying direction control means . . . for controlling a direction of display of the selected image by rotating the selected image,” and independent Claim 3 recites “means for setting a first mode in which all of separate images configured to be displayed on the display screen are to be rotated, a second mode in which an image of the separate images is to be rotated, and a third mode in which none of the separate images are to be rotated . . . [,] means for selecting the image when the second mode is set . . . and displaying direction control means . . . for controlling a direction of display of the image by rotating said image.”

The Office Action relies on Fishkin in an attempt to remedy the deficiencies of Martinez. Applicants respectfully assert that Fishkin does not remedy these deficiencies, however, for the following reasons.

Fishkin is directed to a device having a detector for determining handedness of a user. As shown in Figure 22, for example, of Fishkin, when a user performs an orient gesture, a device 300 increases a number of document pages it is displaying.<sup>3</sup>

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<sup>3</sup> Column 12, lines 42-59, of Fishkin.

Applicants respectfully assert that Fishkin also does not teach or suggest, however, the claimed features of means for setting a first mode in which all images are to be rotated, a second mode in which a particular image is to be rotated, and a third mode in which none of the images are to be rotated, means for selecting the image when the second mode is set, and means for controlling a direction of display of the particular image by rotating the particular image, as recited in independent Claims 1 and 3. Specifically, Applicants respectfully assert that Fishkin does not show or state setting such first, second, and third modes, and does not show or state selecting a particular image to be rotated in the second mode.

Applicants respectfully assert that the claimed features recited in independent Claims 1 and 3 can provide numerous advantages that cannot be provided by Martinez and Fishkin. By way of specific non-limiting examples, Applicants respectfully assert that the claimed features can protect privacy when desired, for example by permitting a user to select not to change a display orientation of specific images, to thereby prevent information from being seen by others.<sup>4</sup>

As stated in MPEP § 2143.01, “[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves.” In this case, Applicants respectfully assert that the cited prior art does not provide the required teaching, suggestion, or motivation to modify the teachings of Martinez and Fishkin to produce the claimed invention of means for setting a first mode in which all images are to be rotated, a second mode in which a particular image is to be rotated, and a third mode in which none of the images are to be rotated, and means for selecting the image when the second mode is set, as recited in independent Claims 1 and 3. Rather,

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<sup>4</sup> From page 51, line 13 to page 52, line 4, of Applicants’ originally filed specification.

Applicants respectfully assert that the only motivation to so-modify the teachings of Martinez and Fishkin is provided by Applicants' disclosure.

Thus, Applicants respectfully submit that the above rejection of the independent claims is based on the improper application of hindsight considerations. It is well settled that it is impermissible simply to engage in hindsight reconstruction of the claimed invention, using Applicants' structure as a template and selecting elements from the references to fill in the gaps.<sup>5</sup> Recognizing, after the fact, that a modification of the prior art would provide an improvement or advantage, without suggestion thereof by the prior art, rather than dictating a conclusion of obviousness, is an indication of improper application of hindsight considerations. Simplicity and hindsight are not proper criteria for resolving obviousness.<sup>6</sup> Further, Applicants respectfully assert that the "fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness."<sup>7</sup> Therefore, Applicants respectfully assert that an improper "obvious to try" rationale has been applied in the Office Action.<sup>8</sup> Specifically, Applicants respectfully assert that because neither Martinez nor Fishkin teaches or suggests the desirability of the claimed features of means for setting a first mode in which all images are to be rotated, a second mode in which a particular image is to be rotated, and a third mode in which none of the images are to be rotated, and means for selecting the image when the second mode is set, the Office Action has not established a *prima facie* case of obviousness, and Applicants respectfully assert that the rejection of independent Claims 1 and 3 under 35 U.S.C. § 103(a) is improper.

For reasons similar to those discussed above with respect to independent Claims 1 and 3, Applicants respectfully request that the rejection of independent Claims 7, 9, 13, and 14

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<sup>5</sup> *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

<sup>6</sup> *In re Warner*, 397 F.2d 1011, 154 USPQ 173 (CCPA 1967).

<sup>7</sup> See Heading under MPEP 2143.01.

<sup>8</sup> See MPEP 2145 X.B.

Application No. 09/557,035  
Reply to Office Action of June 1, 2004

under 35 U.S.C. § 103(a) be withdrawn, and the allowance of independent Claims 7, 9, 13, and 14.

Applicants respectfully assert that Claims 2, 4-6, 8, 10-12, and 15-17 are allowable for the same reasons as the independent claims from which they depend, as well as for their own features. Thus, Applicants respectfully request that the rejection of dependent Claims 2, 4-6, 8, 10-12, and 15-17 under 35 U.S.C. § 103(a) be withdrawn, and the allowance of dependent Claims 2, 4-6, 8, 10-12, and 15-17/

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-17 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

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(OSMMN 06/04)

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